

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**IN RE GOOGLE PLAY STORE
ANTITRUST LITIGATION**

THIS DOCUMENT RELATES TO:

Epic Games Inc. v. Google LLC et al., Case
No. 3:20-cv-05671-JD

MDL No. 3:21-md-02981-JD

[PROPOSED] ORDER REGARDING NON-PARTY NINTENDO OF AMERICA INC.'S MOTION TO SEAL PORTIONS OF TRIAL EXHIBITS 384 AND 8011

1 On November 6, 2023, Non-Party Nintendo of America Inc. (“NOA”) filed a Motion to
 2 Seal Portions of Trial Exhibits 384 and 8011. NOA’s Motion refers to portions of pages GOOG-
 3 PLAY-004146698.R, GOOG-PLAY-004146699.R, GOOG-PLAY-004146701.R, GOOG-PLAY-
 4 004146703.R, GOOG-PLAY-004146707.R, GOOG-PLAY-004146730.R, GOOG-PLAY-
 5 004146731.R, and GOOG-PLAY-004146739.R of Exhibit 384 and pages GOOG-PLAY-
 6 000851374.R and GOOG-PLAY-000851384.R of Exhibit 8011 that relate or refer to Nintendo
 7 (“Nintendo Confidential Information”). NOA moves to seal the courtroom when Nintendo
 8 Confidential Information is discussed at trial. NOA also requests that Nintendo Confidential
 9 Information be redacted from any versions of Exhibit 384 and Exhibit 8011 that are made available
 10 in the public record.

11 Having considered NOA’s Motion and supporting declaration,

12 **IT IS HEREBY ORDERED:**

13 The document portions described below may only be shown in a sealed courtroom and
 14 will be redacted from any versions of Exhibits 384 and 8011 that appear in the public record:

Deposition Exhibit Number (Bates Number)	Document Description	Portion Sought to Be Sealed	Reason(s) for Sealing Request	Ruling
Exhibit 384 (GOOG-PLAY-004146698.R)	Games Velocity Program V1 Business Impact Assessment	Excerpts referencing confidential Nintendo information on the page labeled GOOG-PLAY-004146698.R	References whether Nintendo has executed contracts with Google that include certain substantive provisions	
Exhibit 384 (GOOG-PLAY-004146699.R)	Games Velocity Program V1 Business Impact Assessment	Excerpts referencing confidential Nintendo information on the page labeled GOOG-PLAY-004146699.R	Discloses competitively sensitive information about Nintendo’s contracts and business relationship with Google, including financial and term information, all of which is subject to contractual confidentiality protections	

Deposition Exhibit Number (Bates Number)	Document Description	Portion Sought to Be Sealed	Reason(s) for Sealing Request	Ruling
Exhibit 384 (GOOG-PLAY-004146701.R)	Games Velocity Program V1 Business Impact Assessment	Excerpts referencing confidential Nintendo information on the page labeled GOOG-PLAY-004146701.R	References whether Nintendo has executed contracts with Google that include certain substantive provisions; describes Nintendo's relationship and negotiation strategy with Google	
Exhibit 384 (GOOG-PLAY-004146703.R)	Games Velocity Program V1 Business Impact Assessment	Excerpts referencing confidential Nintendo information on the page labeled GOOG-PLAY-004146703.R	References whether Nintendo has executed contracts with Google that include certain substantive provisions; describes confidential financial details reflecting terms and performance of the business relationship between Nintendo and Google	
Exhibit 384 (GOOG-PLAY-004146707.R)	Games Velocity Program V1 Business Impact Assessment	Excerpts referencing confidential Nintendo information on the page labeled GOOG-PLAY-004146707.R	Describes Nintendo's relationship and negotiation strategy with Google; discloses competitively sensitive information about Nintendo's contracts and business relationship with Google, including financial and term information, all of which is subject to contractual confidentiality protections	
Exhibit 384 (GOOG-PLAY-004146730.R)	Games Velocity Program V1 Business Impact Assessment	Excerpts referencing confidential Nintendo information on the page labeled GOOG-PLAY-004146730.R	Discloses competitively sensitive information about Nintendo's contracts and business relationship with Google, including financial and term information, all of which is subject to contractual confidentiality protections	

Deposition Exhibit Number (Bates Number)	Document Description	Portion Sought to Be Sealed	Reason(s) for Sealing Request	Ruling
Exhibit 384 (GOOG-PLAY-004146731.R)	Games Velocity Program V1 Business Impact Assessment	Excerpts referencing confidential Nintendo information on the page labeled GOOG-PLAY-004146731.R	Discloses competitively sensitive information about Nintendo's contracts and business relationship with Google, including financial and term information, all of which is subject to contractual confidentiality protections	
Exhibit 384 (GOOG-PLAY-004146739.R)	Games Velocity Program V1 Business Impact Assessment	Excerpts referencing confidential Nintendo information on the page labeled GOOG-PLAY-004146739.R	References whether Nintendo has executed contracts with Google that include certain substantive provisions, contracts which are subject to contractual confidentiality protections	
Exhibit 8011 (GOOG-PLAY-000851374.R)	Hug program status	Excerpts referencing confidential Nintendo information on the page labeled GOOG-PLAY-000851374.R	Discloses competitively sensitive information about Nintendo's contracts and business relationship with Google, as part of an underlying contract subject to contractual confidentiality protections; describes Nintendo's relationship and negotiation strategy with Google	
Exhibit 8011 (GOOG-PLAY-000851384.R)	Hug program status	Excerpts referencing confidential Nintendo information on the page labeled GOOG-PLAY-000851384.R	Discloses competitively sensitive information about Nintendo's contracts and business relationship with Google, as part of an underlying contract subject to contractual confidentiality protections; describes Nintendo's relationship and negotiation strategy with Google	

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2 Dated: _____, 2023
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4 Honorable James Donato
5 United States District Judge
6 Northern District of California
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